

RUSS, AUGUST & KABAT

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

STRAIGHT PATH IP GROUP, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. C 16-03463 WHA

Case No. C 16-03582 WHA

**JOINT STATUS REPORT REGARDING
ATTORNEY'S FEE AWARD**

STRAIGHT PATH IP GROUP, INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

On May 19, 2020, the Court issued an Order adopting Special Master Matt Borden recommended awards of attorney's fees payable to Defendants Apple Inc. and Cisco Systems, Inc ("Fees Order").

The Court further ordered the parties to provide status reports at thirty-day intervals regarding the awarded fees until the fees were paid. During the pendency of Plaintiff's appeal of the Fees Order, the parties inadvertently failed to provide the regular status reports. As Plaintiff has exhausted all appeals and the fees have not been paid, the Parties resume these status reports.

Plaintiff appealed the Fees Order as to both Apple and Cisco, which was docketed on July 6, 2020. Briefing on the appeal concluded on January 19, 2021. The Federal Circuit held oral argument on May 7, 2021. The Federal Circuit summarily affirmed the Fees Order on May 11, 2021. The Mandate issued May 17, 2021. (Dkt. No. 262 in 3:16-cv-03463-WHA.) Plaintiff's time to appeal to the U.S. Supreme Court expired on August 9, 2021.

Plaintiff has not executed payment to Cisco on the Court's judgment of attorneys' fees of \$1,920,146. On July 16, 2020, Cisco filed an Application for Writ of Execution (Dkt. No. 253 in 3:16-cv-03463-WHA) and served Cisco's First Set of Interrogatories to Straight Path Pursuant to Fed. R. Civ. P. 69 and Cal. Civ. Proc. § 708.020. The Clerk issued the Writ of Execution on July 21, 2020. (Dkt. No. 255 in 3:16-cv-03463-WHA.) A second Writ of Execution in the Northern District of California issued on October 18, 2020, to address changes to Plaintiff's name. (Dkt. No. 259 in 3:16-cv-03463-WHA.) On November 13, 2020, the State of New Jersey entered the Judgment awarding fees. On July 26, 2021, the Clerk of the Superior Court of New Jersey issued a Writ of Execution. On August 9, 2021, Cisco provided the New Jersey Writ to the Sheriff of Hudson County, NJ, to freeze assets belonging to Straight Path. Cisco has not yet been able to access the assets in New Jersey. A third Writ of Execution in the Northern District of California issued on September 3, 2021. (Dkt. No. 264 in 3:16-cv-03463-WHA.) Despite attempts at communicating with Plaintiff's counsel, Cisco has not received any payments owed to date nor been provided a date certain that payment will be received.

Plaintiff has not executed payment to Apple on the Court's judgment of attorneys' fees of

\$2,334,054. Nor has Plaintiff secured a supersedeas bond.

Dated: September 27, 2021

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Attestation of Concurrence

I hereby attest that concurrence in the filing of the document has been obtained from each of the other signatories, which shall serve in lieu of their signatures on the document.

/s/ Brian D. Ledahl

Brian D. Ledahl

United States District Court
Northern District of California

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2021 the foregoing document described as was filed electronically via the Court's Electronic Case Filing System (ECF). Notice of the filing is being served via ECF upon all counsel who have consented to electronic service.

/s/ Brian D. Ledahl
Brian D. Ledahl

United States District Court
Northern District of California